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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW YORK
SOUTHERN DISTRICT**

UNITED STATES OF AMERICA

Plaintiff

v.

ROBERT G. LUSTYIK, et al.

Defendants

Criminal No. 7:13-cr-00616 (VB)

**DEFENDANT LUSTYIK'S EMERGENCY MOTION TO ADJORN HEARING
SCHEDULED FOR OCTOBER 22, 2013**

Defendant Robert Lustyik, by and through undersigned counsel, hereby moves this Honorable Court to Adjourn the hearing scheduled in this matter for October 22, 2013, and continue it for a minimum of two weeks. As grounds for said Motion, Defendant states as follows:

Attorney Raymond Mansolillo, counsel for Mr. Lustyik, has just recently learned, on the evening of October 20, 2013, that a family member is seriously ill and will not survive his recent trauma. Doctors have advised family members to remain close as his

passing is imminent. As such, Mr. Lustyik seeks an adjournment from this Court and requests that the date be continued.

Mr. Mansolillo has circulated an email to all parties requesting an assent to this Motion as well as an agreement to exclude the time pursuant to the Speedy Trial Act, which Mr. Lustyik agrees to exclude said time. In the interest of expediting this, Defendant has filed this Motion prior to receiving responses to said letter.

Mr. Mansolillo is asking for any date beyond two weeks with the exception of November 11 – 13, 2013 as he will be in Federal District Court in Utah.

Respectfully Submitted,

Robert Lustyik, Jr.,
By his attorney,

/s/ Raymond Mansolillo
Raymond Mansolillo, Esq.
100 Federal Street
Suite 1900
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617-342-7181

CERTIFICATION

I hereby certify that on the 21st day of October, 2013, I served a copy of this Motion via CM/ECF system.

/s/ Raymond Mansolillo
Raymond Mansolillo